

SENATE BILL 1725

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 1 and Title 36, Chapter 6, relative to parental rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-113(g)(10), is amended by deleting the subdivision and substituting instead the following:

(A)

(i) The parent has been convicted of aggravated rape pursuant to § 39-13-502, rape pursuant to § 39-13-503, or rape of a child pursuant to § 39-13-522, from which crime the child was conceived. A certified copy of the conviction suffices to prove this ground; or

(ii) The parent has been found by clear and convincing evidence presented in a fact-finding hearing before the court hearing the petition to terminate parental rights or the petition for adoption to have committed an act of nonconsensual sexual penetration from which act the child was conceived;

(B)

(i) When one (1) of the child's parents has been convicted of one (1) of the offenses specified in subdivision (g)(10)(A)(i), the child's other parent shall have standing to file a petition to terminate the parental rights of the convicted parent;

(ii) When one (1) of the child's parents has been found by clear and convincing evidence presented in a fact-finding hearing to have committed an act of nonconsensual sexual penetration from which act the child was conceived, the

child's other parent shall have standing to file a petition to terminate the parental rights of the parent found to have committed the act of nonconsensual sexual penetration;

(C) Nothing in this section gives a parent standing to file a petition to terminate parental rights based on grounds other than those listed in this subdivision (g)(10) or subdivision (g)(11) or (g)(15);

SECTION 2. Tennessee Code Annotated, Section 36-6-102(a), is amended by deleting the subsection and substituting instead the following:

(a) Except as provided in subsection (b), any person who has been convicted of aggravated rape pursuant to § 39-13-502, rape pursuant to § 39-13-503, or rape of a child pursuant to § 39-13-522, from which crime a child was conceived, or has been found by clear and convincing evidence in a fact-finding hearing before a court to have committed an act of nonconsensual sexual penetration from which act a child was conceived, does not have custody or visitation rights, or the rights of inheritance with respect to that child.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to parental rights and custody determinations made on or after July 1, 2020.